



QW
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,170	05/05/2004	Michael L. Obradovich	9800.1041	7498
7590	07/14/2005			EXAMINER
Alex L. Yip Kaye Scholer LLP 425 Park Avenue New York, NY 10022			EWART, JAMES D	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/840,170	OBRADOVICH ET AL.
	Examiner James D. Ewart	Art Unit 2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 61-110 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 61-110 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 61-70 and 86-95 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 6,754,485.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims are simply broader than in the parent application. Claims 61 and 68 of the current application are broader than claim 1 of Patent No. 6,754,485 in that they do not include the limitations of "the data being contributed by one or more vehicle service providers" and "performing one or more actions based on the identifiers of the vehicle in the subset".

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. There are no claim limitations dealing with location based advertising.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 85 and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al (U.S. Patent No. 6,427,101) and further in view of Kirson et al. (U.S. Patent No. 6,114,970).

Referring to claims 71 and 96, Diaz et al teaches a method for obtaining information about a vehicle, comprising: receiving messages from a vehicle via a communications network at different times (Column 18, Lines 39-45), the messages containing measures provided by at least one device in the vehicle (Column 18, Lines 39-45), the messages being associated with a particular vehicle (Column 18, Lines 39-41); storing in a memory the measures in the messages (Column 18, Lines 35-37), the measures being stored in association with the particular vehicle (Column 18, Lines 35-41); receiving a query for data about a condition of the vehicle based on the particular vehicle (Column 18, Lines 61-64); and in response to the query, providing the data based on at least one of the measures stored in association with the particular vehicle (Column 18, Lines 65-67) and although it can be concluded that the particular vehicle is identified by a vehicle identifier, Diaz et al does not specifically teach using an identifier to identify the vehicle. Kirson et al teaches using an identifier to identify the vehicle (Column 3, Lines 33-64). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Diaz et al with the teaching of Kirson et al using an

identifier to identify the vehicle to use identification that is unique to each vehicle (Column 3, Lines 37-39).

The query is done by the off board network for the closest service provider for maintenance / condition of the vehicle.

Referring to claims 72 and 97, Diaz et al further teaches wherein the data concerns a mileage of the vehicle (Column 18, Lines 44-45).

Referring to claims 73 and 98, Diaz et al further teaches wherein the at least one device includes an odometer, and the at least one measure is provided by the odometer (Column 18, Lines 44-45).

Referring to claims 76 and 101, Diaz et al further teaches wherein the data concerns a status of a component of the vehicle (Column 18, Lines 44-45).

Referring to claims 85 and 110, Kirson et al. further teaches wherein the identifier includes at least part of a VIN (Column 3, Lines 33-64).

4. Claims 74,77-80,82-84,99,102-105 and 107-109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al in view of Kirson et al. and further in view of Camhi (U.S. Patent No. 5,825,283).

Referring to claims 74 and 99, Diaz et al and Kirson et al. teach the limitation of claims 74 and 99, but do not teach wherein the data concerns a speed of the vehicle. Camhi teaches wherein the data concerns a speed of the vehicle (Column 16, Line 48 and Column 17, Lines 55-63). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Diaz et al and Kirson et al. with the teaching of Camhi wherein the data concerns a speed of the vehicle to monitor vehicle conditions from a remote location (Column 17, Lines 55-63).

Referring to claims 77 and 102, Diaz et al and Kirson et al. teach the limitation of claims 77 and 102, but do not teach wherein the component includes a door. Camhi teaches wherein the component includes a door (Column 16, Lines 59-60 and Column 17, Lines 55-63). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Diaz et al and Kirson et al. with the teaching of Camhi wherein the component includes a door to monitor vehicle conditions from a remote location (Column 17, Lines 55-63).

Referring to claims 78 and 103, Diaz et al and Kirson et al. teach the limitation of claims 78 and 103, but do not teach wherein the component includes a window. Camhi teaches wherein the component includes a window (Column 16, Line 61 and Column 17, Lines 55-63). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Diaz et al and Kirson et al. with the teaching of Camhi

wherein the component includes a window to monitor vehicle conditions from a remote location (Column 17, Lines 55-63).

Referring to claims 79 and 104, Diaz et al and Kirson et al. teach the limitation of claims 79 and 104, but do not teach wherein the component includes a hood. Camhi teaches wherein the component includes a hood (Column 16, Line 60 and Column 17, Lines 55-63). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Diaz et al and Kirson et al. with the teaching of Camhi wherein the component includes a hood to monitor vehicle conditions from a remote location (Column 17, Lines 55-63).

Referring to claims 80 and 105, Diaz et al and Kirson et al. teach the limitation of claims 80 and 105, but do not teach wherein the component includes a trunk. Camhi teaches wherein the component includes a trunk (Column 16, Line 60 and Column 17, Lines 55-63). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Diaz et al and Kirson et al. with the teaching of Camhi wherein the component includes a trunk to monitor vehicle conditions from a remote location (Column 17, Lines 55-63).

Referring to claims 82 and 107, Diaz et al and Kirson et al. teach the limitation of claims 82 and 107, but do not teach wherein the component includes an air-bag. Camhi teaches wherein the component includes a air-bag (Column 16, Line 47 and Column 17, Lines 55-63). Therefore

at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Diaz et al and Kirson et al. with the teaching of Camhi wherein the component includes an air-bag to monitor vehicle conditions from a remote location (Column 17, Lines 55-63).

Referring to claims 83 and 108, Diaz et al and Kirson et al. teach the limitation of claims 83 and 108, but do not teach wherein the component includes a restraint device. Camhi teaches wherein the component includes a restraint device (Column 16, Line 51 and Column 17, Lines 55-63). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Diaz et al and Kirson et al. with the teaching of Camhi wherein the component includes a restraint device to monitor vehicle conditions from a remote location (Column 17, Lines 55-63).

Referring to claims 84 and 109, Diaz et al and Kirson et al. teach the limitation of claims 84 and 109, but do not teach wherein the component includes a light. Camhi teaches wherein the component includes a light (Column 16, Line 51 and Column 17, Lines 55-63). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Diaz et al and Kirson et al. with the teaching of Camhi wherein the component includes a light to monitor vehicle conditions from a remote location (Column 17, Lines 55-63).

5. Claims 75 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al in view of Kirson et al. in view of Camhi and further in view of LaBelle (U.S. Patent No. 6,333,687).

Referring to claims 75 and 100, Diaz et al, Kirson et al. and Camhi teach the limitation of claims 75 and 100, but do not teach wherein the device includes a speedometer, and the at least one measure is provided by the speedometer. LaBelle teaches wherein the device includes a speedometer, and the at least one measure is provided by the speedometer (Column 2, Lines 47-51). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Diaz et al, Kirson et al. and Camhi with the teaching of LaBelle wherein the device includes a speedometer, and the at least one measure is provided by the speedometer to provide the speed of the vehicle (Column 2, Lines 47-51).

Allowable Subject Matter

6. Claims 61-70 and 86-95 would be allowable if the double patenting rejection is overcome by a terminal disclaimer. The following is an examiner's statement of reasons for allowance:

Referring to claims 61 and 86, the references sited do not teach a method for disseminating information about a faulty condition concerning a type of vehicle, comprising: generating a message about the faulty condition; searching a database for identifiers of a plurality of vehicles which belong to the type of vehicle; and electronically transmitting the message about the faulty condition, to the plurality of vehicles, over a communications network based on the identifiers of the plurality of vehicles.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

7. Claims 81 and 106 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter:

Referring to claims 81 and 106, the references sited do not teach wherein the component includes a mirror.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Beier et al. U.S. Patent No. 6,236,337 discloses process for transmitting information between moving bodies and a communication device for carrying out this process.

Chapin, Jr. U.S. Patent No. 5,931,878 discloses computerized prompting systems.

Flick U.S. Patent No. 6,275,147 discloses vehicle security system for a vehicle having a data communications bus and related methods.

Magbie et al. U.S. Patent No. 6,657,535 discloses system for signaling a device at a remote location.

Neeson et al. U.S. Patent No. 5,786,998 discloses apparatus and method for tracking reporting and recording equipment inventory on a locomotive.

Schreder U.S. Patent No. 5,504,482 discloses automobile navigation guidance, control and safety system.

Suman et al. U.S. Patent No. 6,028,537 discloses vehicle communication and remote control system.

Warner U.S. Patent No. 5,963,129 discloses vehicle identification and information system control device and system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

James Ewart
July 6, 2005

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600